

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF:

RIDEL ALEGRE FERNANDEZ ROSADO

Debtor

CASE NO. 07-05871 (ESL)

CHAPTER 7

RE: PR 10-080

TRANSMITTAL OF RECORD ON APPEAL

Appeal pursuant to 28 U.S.C. §158(a) filed on December 15, 2010.  
Parties included in the appeal:

Appellant: Ridel Alegre Fernandez Rosado  
Attorney : Lyssette A. Morales Vidal(120011)

Appellee : Celedonio Corredera Pablo  
Attorney : Eduardo J. Corretjer Reyes (224113)

Appellee : Pablo Lopez Baez, Emma T. Benitez, Osiris Delgado  
Attorney : Wilfredo A. Geigel (113312)

**Order Appealed:** Judgment Dated 12/08/2010 (Dkt. No. 128) by Bankruptcy Judge Enrique S. Lamoutte, entered on December 10, 2010 and upon Opinion & Order Dated 11/30/2010 and entered December 01, 2010 (Dkt. No. 125) in favor of creditors and against Debtor, granting creditors motion to dismiss for "cause" pursuant to Section 707(a) for Debtor's bad faith in filing its Chapter 7 bankruptcy petitions.

**Description of Matter Appealed By appellant:**

1. Whether the Bankruptcy Court erred in dismissing the Debtor's Chapter 7 Bankruptcy Case for bad faith under 11 U.S.C. Section 707(a).

- a. Whether as a matter of law, bad faith is a proper basis for dismissal under 11 U.S.C. Section 707(a).
- b. Whether the Movants met their burden of proof of cause for dismissal.
- c. Whether the Motion to Dismiss should have been denied as untimely.

2. Whether the bankruptcy Court erred in denying entry of the Debtor's discharge.

3. Whether the Bankruptcy Court erred in compelling the appearance of the Debtor at the hearing on the Motion to Dismiss.

Designation in Appeal filed on: December 28, 2010 (docket #133)
Designation in Cross Appeal filed on:
Exhibits Designated and Included <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
If no, please explain:
Transcript Designated and Included <input checked="" type="checkbox"/> (*) YES <input type="checkbox"/> NO
If no, please explain: *Transcript privately requested by Appellant

<p><b>Designation of Record on Appeal attached hereto and made part of this Transmittal of Record.</b></p>
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RECORD ITEM	DOCKET ENTRY	DESCRIPTION
#1	#1	Bk Case
		Petition, Schedules, Statements
	#38	ADV Proc 08-0016
		Complaint
	#59	ADV Proc 08-0016
		Opinion & Order Dismissing Complaint
	#68	ADV Proc 08-0016
		Order Deferring Discharge
	#71	ADV Proc 08-0016
		Order Denying Motion to Reconsider
	#40	ADV Proc 08-0029
		Complaint
	#49	ADV Proc 08-0029
		Opinion & Order Dismissing Complaint
	#59	ADV Proc 08-0029
		Order Denying Motion to Reconsider
	#41	ADV Proc 08-0033
		Complaint
	#46	ADV Proc 08-0033
		Opinion & Order Dismissing Complaint
	#54	ADV Proc 08-0033
		Order Denying Motion to Reconsider
	#51	Bk Case
	#52	Bk Case
		Notice of Abandonment (Docket Text - No Distribution Report)
	#54	Bk Case
		Motion Requesting Entry of Discharge
	#55	Bk Case
		Motion to Dismiss
	#57	Bk Case
		Second Request for Entry of Discharge
	#58	Bk Case
		Motion to Suspend
	#59	Bk Case
		Order Denying #54
	#60	Bk Case
		Order Dismissing Case
	#61	Bk Case
		Order Denying #57
	#62	Bk Case
		Order Denying #58
	#67	Bk Case
		Motion to Reconsider
	#68	Bk Case
		Opposition to #55
	#69	Bk Case
		Opposition to #67
	#70	Bk Case
		Order Granting #67
	#75	Bk Case
		Motion to Reconsider #59, 61
	#76	Bk Case
		Memorandum in Support
	#80	Bk Case
		Reply
	#81	Bk Case
		Joinder

#83	Bk Case	Opposition
#84	Bk Case	Opinion & Order
#89	Bk Case	Notice of Appeal
#90	Bk Case	Motion for Leave to Appeal
#92	Bk Case	BAP Order Denying Motion for Leave to Appeal
#93	Bk Case	BAP Judgment
#98	Bk Case	Proposed Findings of Fact & Conclusions of Law
#99	Bk Case	Supplemented Proposed Findings of Fact & Conclusions of Law
#100	Bk Case	Proposed Findings of Fact & Conclusions of Law
#101	Bk Case	Proposed Findings of Fact & Conclusions of Law
#102	Bk Case	Proposed Findings of Fact & Conclusions of Law (With redacted Exh. 1 from DE #106)
#103	Bk Case	Proposed Findings of Fact & Conclusions of Law
#107	Bk Case	Urgent Motion to Compel Appearance
#108	Bk Case	Order on #107
#109	Bk Case	Motion to Reconsider #108
#111	Bk Case	Amended Minutes with trial exhibits
#121	Bk Case	Motion Submitting Translated Documents
#125	Bk Case	Opinion & Order
#128	Bk Case	Judgment
#130	Bk Case	Notice of Appeal
#132	Bk Case	BAP Election
#		Transcript Evidentiary Hearing 6/8/2010

I hereby certify that I have electronically forwarded via CM/ECF system a copy of the Transmittal to the following parties:

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In San Juan Puerto Rico this 3rd day of January, 2011.

/s/Maritza Feijoo  
Case Manager